



General Assembly

February Session, 2004

Amendment

LCO No. 4280

HB0534004280SR0

Offered by:

SEN. CAPPIELLO, 24th Dist.

To: Subst. House Bill No. 5340

File No. 324

Cal. No. 383

**"AN ACT CONCERNING LUMP SUM PAYMENTS UNDER THE
WORKERS' COMPENSATION ACT."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subdivision (16) of subsection (a) of section 31-236 of the
4 general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective October 1, 2004*):

6 (16) For purposes of subparagraph (B) of subdivision (2) of this
7 subsection, "wilful misconduct" means deliberate misconduct in wilful
8 disregard of the employer's interest, or a single knowing violation of a
9 reasonable and uniformly enforced rule or policy of the employer,
10 when reasonably applied, provided such violation is not a result of the
11 employee's incompetence and provided further, in the case of absence
12 from work, "wilful misconduct" means an employee must be absent
13 without either good cause for the absence or notice to the employer
14 which the employee could reasonably have provided under the
15 circumstances for three separate instances within an eighteen-month

16 period. Except with respect to tardiness, for purposes of subparagraph
17 (B) of subdivision (2) of this subsection, each instance in which an
18 employee is absent for one or two consecutive days without either
19 good cause for the absence or notice to the employer which the
20 employee could reasonably have provided under the circumstances
21 constitutes a "separate instance". For purposes of subdivision (15) of
22 this subsection, "temporary help service" means any person
23 conducting a business that consists of employing individuals directly
24 for the purpose of furnishing part-time or temporary help to others;
25 and "temporary employee" means an employee assigned to work for a
26 client of a temporary help service.

27 Sec. 502. Subsection (g) of section 31-227 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective*
29 *October 1, 2004*):

30 (g) With respect to benefit years beginning on or after October 1,
31 1981, for any week with respect to which an individual is receiving a
32 pension, which shall include a governmental or other pension,
33 retirement or retired pay, annuity, or any other similar periodic
34 payment, under a plan maintained or contributed to by a base period
35 employer, the weekly benefit rate payable to such individual for such
36 week shall be reduced by the prorated weekly amount of the pension.
37 [Where] If contributions were made to the pension plan by the
38 individual, the prorated weekly pension amount shall be reduced by
39 the proportion [which] ~~that~~ such individual's contributions bear to the
40 total of all payments for such individual into the plan, ~~except that if the~~
41 pension is paid under the Social Security Act, the individual's
42 contributions to the plan shall reduce the prorated weekly pension
43 amount by one hundred per cent. If, as a result of the reduction made
44 under the provisions of this subsection, the individual's weekly benefit
45 rate is not a whole dollar amount, the weekly benefit rate payable to
46 such individual shall be the next lower whole dollar amount. No
47 reduction shall be made under this subsection by reason of the receipt
48 of a pension, except in the case of pensions paid under the Social
49 Security Act or the Railroad Retirement Act of 1974, if the services

50 performed by the individual during the base period for such employer,
51 or remuneration received for such services, did not affect the
52 individual's eligibility for, or increase the amount of, such pension,
53 retirement or retired pay, annuity, or similar payment."